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UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL LETTER BRIEF
FOR TELEPHONIC HEARING**

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (“Defendants”) submit this motion for an order to file under seal their Letter Brief in Opposition to Defendant Waymo LLC’s Motion to Compel (“Letter”) and the accompanying exhibits to the Declaration of Esther Chang (“Chang Decl.”). Specifically, Defendants request an order granting leave to file under seal the following confidential documents:

Document	Portions to Be Filed Under Seal	Designating Party
Chang Decl. Ex. B	Highlighted Portions	Defendants
Chang Decl. Ex. E	Entirety	Defendants
Chang Decl. Ex. G	Entirety	Plaintiff
Chang Decl. Ex. H	Entirety	Plaintiff
Chang Decl. Ex. I	Highlighted Portions	Defendants
Chang Decl. Ex. J	Highlighted Portions	Defendants
Chang Decl. Ex. K	Highlighted Portions	Defendants
Chang Decl. Ex. L	Entirety	Third Party
Chang Decl. Ex. M	Highlighted Portions	Defendants
Chang Decl. Ex. N	Highlighted Portions	Defendants
Chang Decl. Ex. O	Highlighted Portions	Defendants

The blue-highlighted portions of Exhibit B, the entirety of Exhibit E, and the highlighted portions of Exhibit I discuss confidential information relating to certain confidential proceedings between Uber and certain former employees, which should be maintained as confidential subject to agreements between parties to those proceedings. (Declaration of Michelle Yang in Support of Defendants’ Administrative Motion to File Documents Under Seal (“Yang Decl.”) ¶ 3.)

The blue-highlighted portions of Exhibits J, K, and O contain confidential information contained in the sealed portions of Exhibit B to the Court’s November 29, 2017 Order (Dkt. 2307-2), for which the Court has already granted sealing with respect to the green-highlighted portions of that document. (Dkt. 2307 at 2.) The Court’s December 13, 2017 Order granted

1 additional redactions to Exhibit A to the Boersch Declaration (Dkt. 2382), which are also
2 reflected in the public re-filing of Dkt. 2307-2. (Dkt. 2401-1.) Exhibits J, K, and O contain
3 information that implicates the safety, privacy, and reputational interests of former and current
4 Uber employees and vendors, as well as various third party individuals and entities. Defendants
5 support sealing of the redacted portions in Dkt. 2307-2 and Dkt. 2401-1. (Yang Decl. ¶ 4.)

6 In addition, the highlighted portions of Exhibits J, K, and O contain the contact
7 information of current and former employee, including personal contact information. Uber
8 requests this contact information be kept confidential in order to preserve the privacy of current
9 and former employees of a company that is the subject of extensive media coverage, and to
10 protect these individuals from harm or harassment. (Yang Decl. ¶ 5.)

11 The highlighted portions of Exhibit M contain references to a confidential third party
12 vendor Uber used to conduct open-source research. Defendants request this information be
13 sealed to protect this confidential business relationship from disclosure and this third party vendor
14 from possible harassment. (Yang Decl. ¶ 6.)

15 The highlighted portions of Exhibits M and N also contain references to an Uber
16 employee's draft internal document on potential objectives considered by the employee for
17 competitor research. This information has been maintained as highly confidential. Disclosure of
18 this information could allow competitors to understand potential research objectives and options
19 considered by an employee, indicating specific information that Uber does and does not have
20 about the self-driving industry, such that Uber's competitive standing could be significantly
21 harmed. (Yang Decl. ¶ 7.)

22 The green-highlighted portions of Exhibits G and H contain information that has been
23 designated "Highly Confidential – Attorneys' Eyes Only" or "Confidential" by Waymo in
24 accordance with the Patent Local Rule 2-2 Interim Model Protective Order ("Protective Order"),
25 which the parties have agreed governs this case (Transcript of 3/16/2017 Hearing, page 6).
26 Defendants file this material under seal in accordance with Paragraph 14.4 of the Protective
27 Order. (Yang Decl. ¶ 8.)
28

1 The entirety of Exhibit L contains the deposition transcript of a third party. Defendants
2 file this document under seal to allow the third party to file a sealing declaration, if needed.

3 Defendants' request is narrowly tailored to portions that merit sealing. (Yang Decl. ¶ 9.)

4 Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the
5 documents at issue, with accompanying chamber copies. (Yang Decl. ¶ 10.)

6 Defendants served Waymo with this Administrative Motion to File Documents Under
7 Seal on January 4, 2018.

8 For the foregoing reasons, Defendants request that the Court enter the accompanying
9 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and
10 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –
11 ATTORNEYS' EYES ONLY."

12 Dated: January 4, 2018

MORRISON & FOERSTER LLP

14 By: /s/ Arturo J. González
15 ARTURO J. GONZÁLEZ

16 Attorneys for Defendants
17 UBER TECHNOLOGIES, INC. and
18 OTTOMOTTO LLC
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF
MICHELLE YANG IN SUPPORT OF
DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL ITS
OPPOSITION TO WAYMO LETTER
BRIEF RE OUTSTANDING
DISCOVERY ITEMS**

I, Michelle Yang, declare as follows:

1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this declaration based upon matters within my own personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein. I make this declaration in support of Defendants' Administrative Motion to File Under Seal Its Letter Brief in Opposition to Defendant Waymo LLC's Motion to Compel ("Letter") and the accompanying exhibits to the Declaration of Esther Chang ("Chang Decl.").

2. I have reviewed the following documents and confirmed that only the portions identified below merit sealing:

Document	Portions to Be Filed Under Seal	Designating Party
Chang Decl. Ex. B	Highlighted Portions	Defendants
Chang Decl. Ex. E	Entirety	Defendants
Chang Decl. Ex. G	Entirety	Plaintiff
Chang Decl. Ex. H	Entirety	Plaintiff
Chang Decl. Ex. I	Highlighted Portions	Defendants
Chang Decl. Ex. J	Highlighted Portions	Defendants
Chang Decl. Ex. K	Highlighted Portions	Defendants
Chang Decl. Ex. L	Entirety	Third Party
Chang Decl. Ex. M	Highlighted Portions	Defendants
Chang Decl. Ex. N	Highlighted Portions	Defendants
Chang Decl. Ex. O	Highlighted Portions	Defendants

3. The blue-highlighted portions of Exhibit B, the entirety of Exhibit E, and the highlighted portions of Exhibit I discuss confidential information relating to certain confidential proceedings between Uber and certain former employees, which should be maintained as confidential subject to agreements between parties to those proceedings.

4. The blue-highlighted portions of Exhibits J, K, and O contain confidential

1 information contained in the sealed portions of Exhibit B to the Court's November 29, 2017
2 Order (Dkt. 2307-2), for which the Court has already granted sealing with respect to the green-
3 highlighted portions of that document. (Dkt. 2307 at 2.) The Court's December 13, 2017 Order
4 granted additional redactions to Exhibit A to the Boersch Declaration (Dkt. 2382), which are also
5 reflected in the public re-filing of Dkt. 2307-2. (Dkt. 2401-1.) Exhibits J, K, and O contain
6 information that implicates the safety, privacy, and reputational interests of former and current
7 Uber employees and vendors, as well as various third party individuals and entities. Defendants
8 support sealing of the redacted portions in Dkt. 2307-2 and Dkt. 2401-1.

9 5. In addition, the highlighted portions of Exhibits J, K, and O contain the contact
10 information of current and former employee, including personal contact information. Uber
11 requests this contact information be kept confidential in order to preserve the privacy of current
12 and former employees of a company that is the subject of extensive media coverage, and to
13 protect these individuals from harm or harassment.

14 6. The highlighted portions of Exhibit M contain references to a confidential third
15 party vendor Uber used to conduct open-source research. Defendants request this information be
16 sealed to protect this confidential business relationship from disclosure and this third party vendor
17 from possible harassment.

18 7. The highlighted portions of Exhibits M and N also contain references to an Uber
19 employee's draft internal document on potential objectives considered by the employee for
20 competitor research. This information has been maintained as highly confidential. Disclosure of
21 this information could allow competitors to understand potential research objectives and options
22 considered by an employee, indicating specific information that Uber does and does not have
23 about the self-driving industry, such that Uber's competitive standing could be significantly
24 harmed.

25 8. The green-highlighted portions of Exhibits G and H contain information that has
26 been designated "Highly Confidential – Attorneys' Eyes Only" or "Confidential" by Waymo in
27 accordance with the Patent Local Rule 2-2 Interim Model Protective Order ("Protective Order"),
28 which the parties have agreed governs this case (Transcript of 3/16/2017 Hearing, page 6).

1 Defendants file this material under seal in accordance with Paragraph 14.4 of the Protective
2 Order.

3 9. The entirety of Exhibit L contains the deposition transcript of a third party.
4 Defendants file this document under seal to allow the third party to file a sealing declaration, if
5 needed.

6 10. Defendants' request is narrowly tailored to portions that merit sealing.

7 I declare under penalty of perjury that the foregoing is true and correct. Executed this 4th
8 day of January, 2018 at Washington, District of Columbia.

9
10 /s/ Michelle Yang

Michelle Yang

ATTESTATION OF E-FILED SIGNATURE

I, Arturo J. Gonzalez, am the ECF User whose ID and password are being used to file this Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Michelle Yang has concurred in this filing.

Dated: January 4, 2018

/s/ Arturo J. González

ARTURO J. GONZÁLEZ

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 WAYMO LLC,

12 Plaintiff,

13 v.

14 UBER TECHNOLOGIES, INC.,
15 OTTOMOTTO LLC; OTTO TRUCKING LLC,

16 Defendants.

Case No. 3:17-cv-00939-WHA

**[PROPOSED] ORDER GRANTING
DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S
ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL**

Upon consideration of Defendants Uber Technologies, Inc. and Ottomotto LLC's ("Defendants") Administrative Motion to File Documents Under Seal, and finding that good cause exists, this Court hereby GRANTS Defendants' Administrative Motion to File Documents Under Seal and ORDERS that the following documents shall be sealed, as indicated below:

Document	Portions to Be Filed Under Seal
Chang Decl. Ex. B	Highlighted Portions
Chang Decl. Ex. E	Entirety
Chang Decl. Ex. G	Entirety
Chang Decl. Ex. H	Entirety
Chang Decl. Ex. I	Highlighted Portions
Chang Decl. Ex. J	Highlighted Portions
Chang Decl. Ex. K	Highlighted Portions
Chang Decl. Ex. L	Entirety
Chang Decl. Ex. M	Highlighted Portions
Chang Decl. Ex. N	Highlighted Portions
Chang Decl. Ex. O	Highlighted Portions

IT IS SO ORDERED.

Dated: _____, 2018

HONORABLE JACQUELINE SCOTT CORLEY

United States District Judge